

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
MARCH 13, 2003**

The Fauquier County Planning Commission held its public hearing on Thursday, March 13, 2003, beginning at 7:00 P.M. in the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Jim Stone, Secretary; Mr. Bob Sinclair; and Mr. John Meadows. Also present at the meeting were Mr. Rick Carr, Mr. Robert Counts, Mrs. Elizabeth Cook, Mr. Danny Hatch, and Ms. Beckie Williams.

Mr. Robison, seconded by Mr. Stone, moved to amend the agenda to add 5b, the Preliminary Plat Extension for Jamison's Farm.

The motion carried unanimously.

1. **THE PLEDGE OF ALLEGIANCE**

Mr. Robison led the Commission and public in the Pledge of Allegiance.

2. **CITIZENS TIME**

No one spoke

3. **ADOPTION OF PLANNING COMMISSION POLICIES AND CALENDER**

Mr. Robison, seconded by Mr. Stone, moved to postpone action until March 27, 2003.

The motion carried unanimously.

4. **CONSIDERATION OF BY-LAWS**

Mr. Robison, seconded by Mr. Stone, moved to postpone action until March 27, 2003.

The motion carried unanimously.

5. **PRELIMINARY PLAT EXTENSION**

- a. **#PP02-S-02 – Gregory D. Norris, owner, Al Seeley, Prospect Development, applicant** - applicant wishes to obtain a six (6) month extension of the twelve (12) month requirement for filing the Final Plat for the Old Bust Head Manor Preliminary Subdivision.

Mrs. Cook reviewed Deirdre Clark's staff report, a copy of which is attached to and made part of these official minutes.

Mr. Sinclair, seconded by Mr. Robison, moved to approve this request.

The motion carried unanimously.

- b. **#PP00-S-23 – Charles and Thelma Jamison, owners, James A. Carson, representative** – applicants wish to obtain a six (6) month extension of the twelve (12) month requirement for filing the Final Plat for the Jamison's Farm Preliminary Subdivision.

Mrs. Cook reviewed Deirdre Clark's staff report, a copy of which is attached to and made part of these official minutes.

Mr. Sinclair, seconded by Mr. Robison, moved to approve this request.

The motion carried unanimously.

6. **PRELIMINARY PLATS**

- a. **#PP03-C-14 – E.C. Investors, LLC owner /applicant – Sterling Valley Subdivision** – applicant wishes to subdivide approximately 184.9 acres into six (6) lots, with one (1) future Administrative lot proposed. The property is located on the southwest side of Dumfries Road (Route 605), east of its intersection with Mount Sterling Farm Road, Center District. (PIN #7904-66-2671-000) (Postponed January 23, 2003 until February 27, 2003, at the request of the applicant.)

Mrs. Cook reviewed Deirdre Clark's staff report, a copy of which is attached to and made part of these official minutes.

Mr. Robison, seconded by Mr. Stone, moved to approve this request with the following amended conditions.

1. The final plat shall be in general conformance with the preliminary subdivision plat entitled "Sterling Valley Subdivision " dated February 10, 2003, and as revised by the plat dated March 6, 2003, and received in the Planning Office on March 7, 2003.
2. Prior to final plat and construction plan approval, the applicant shall submit a detailed landscape plan as required pursuant to Section 7-600 of the Zoning Ordinance.
3. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final working plat. This shall be

done in the field and checked for any additional soil information to be added to the final scale plat map.

4. A signature block shall be placed on the Final Soil Map sheet for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated November 19, 2002. This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=???) and certifies that this is the Best Available Soils Information to Date.	
Va. Certified Professional Soil Scientist CPSS #3401-_____	DATE

5. Interpretive information from the Type I Soil Map for each mapping unit shown on the above plat shall be placed on the same soil map. Also, a Spot Symbols Legend shall be placed on the plat map to identify spot symbols.
6. Two signed copies of the final soil map shall be given to the County Soil Scientist Office. One copy shall be filed in the Office of Community Development and used exclusively for the public to obtain soils information for this subdivision. The other copy shall be filed in the Building Department to be used by the plan reviewer for their use in identifying potential problem soils associated with building permits.
7. This map, with original CPSS signature, shall be submitted to the County Soil Scientist Office prior to construction plan approval.
8. The following statements shall be placed on the final plat:
 - "The County recommends that no below grade basements be constructed on soil mapping units 14B, 62B, & 179A due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer."
 - "Foundations placed in Soil Mapping Units that show a moderate, high, or very high shrink-swell potential in the most recent Interpretive Guide to The Soils of Fauquier County, Virginia shall require geotechnical evaluation in order to determine proper design."
 - "Before a home is started the builder shall mark the drainfield area off and not disturb it during construction."

9. All drainfield sites shall be approved by the Health Department prior to final construction plan approval.
10. Lots 2 and 6 shall be accessed by way of Sterling Valley Drive.
11. A sight distance profile shall be provided for the intersection of Sterling Valley Drive and Dumfries Road (Route 605) and it shall include the posted speed or design speed used to calculate the sight distance.
12. The entrance shall be constructed in accordance with VDOT's Minimum Standards of Entrances to State Highways and may include a turn lane and/or taper.
13. Road and other construction shall insure drainage water shall not rise higher than 18" below the shoulder of proposed or existing public roads. At a minimum, culverts shall be designed to accommodate the following flood frequencies and drainage calculations provided:

Secondary and Subdivision Streets	10-year
Primary and Parkways	25-year
14. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.
15. All utilities placed within the street right-of-way shall be placed on the outer 3 to 5 feet of the edge of the right-of-way. Manholes shall not be located in the pavement or shoulder of highways. Deviation from this condition requires prior approval by VDOT and will only be considered on a case-by-case basis.
16. Trees within street's right-of-way shall not be credited towards satisfying Fauquier County's tree canopy ordinance.
17. Continued access to the residue by way of the existing farm road shall be subject to the approval of the Virginia Department of Transportation.
18. Unpaved portions of street rights-of-way shall not be credited towards open space requirements.
19. The SWM/BMP emergency spillway shall discharge into an existing stream or defined swale with adequate channel.
20. The toe of slope on the embankment or associated disturbed area of the SWM/BMP shall be at least twenty-five (25) feet from the property line.
21. All driveway culverts shall be sized for the ten (10) year storm.

22. Soils information shall be provided for the proposed stormwater management pond site.
23. All wetlands shall be identified and any required permits shall be obtained prior to final construction plan approval.
24. If stormwater to the existing pond is increased, an embankment analysis shall be performed.
25. Prior to final construction plan approval, a drainage easement for the existing pond outfall shall be required.
26. Prior to final construction plan approval, verification of an egress/ingress easement to serve the SWM/BMP facility shall be provided. The final plat shall reference the ingress/egress easement by deed book and page number.
27. A deed of non-common open space shall be recorded at the time of the first plat of subdivision.
28. The proposed cul-de-sac shall be no greater in length than nine hundred and fifty feet to the center of the bulb.

The motion carried unanimously.

- b. **#PP03-M-19 – Douglas E. & Sharon Y. Darling, owners / applicants – Cannon Ridge Subdivision** – applicants wish to obtain preliminary plat approval to subdivide approximately 18 acres into thirty-one (31) lots. The property is located on the southeast side of Routes 55 and 17, south of its intersection with Manor Drive, Marshall District. (#6969-47-7043-000 and 6969-47-3414-000)

Mr. Counts reviewed his staff report, a copy of which is attached to and made part of these official minutes.

Mrs. McCarty, seconded by Mr. Sinclair, moved to approve this request with amended conditions as outlined below.

1. The final plat shall be in general conformance with the preliminary subdivision plat entitled "Cannon Ridge" dated February 4, 2003 and received in the Planning Office on February 6, 2003.
2. Prior to final plat and construction plan approval, the applicant shall submit a detailed landscape plan as required pursuant to Section 7-600 of the Zoning Ordinance.

3. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final working plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
4. A signature block shall be placed on the final plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated December 19, 2000 .

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=???) and certifies that this is the Best Available Soils Information to Date for lots 1-30.

Va. Certified Professional Soil Scientist

DATE

CPSS #3401-

5. Interpretive information from the Type I soil report for each mapping unit shown on the above plat shall be placed on the same soil map. Information from the *Interpretive Guide to the Soils of Fauquier County, Virginia, 4th Edition—2002* shall be included and the source stated. Also, a Symbols Legend shall be placed on the plat to identify spot symbols. Include **all** mapping units and soil lines on soil map.
6. The following statements shall be placed on the final plat:
 - "The County recommends that no below grade basements be constructed on soil mapping unit 38B and 438B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer."
 - "Foundations placed in Soil Mapping Units that show a moderate, high, or very high shrink-swell potential in the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia* will require geotechnical evaluation in order to determine proper design".
7. This map, with original CPSS signature, shall be submitted to the County Soil Scientist Office before final plat approval is made.

8. Two signed copies of the final soil map shall be given to the County Soil Scientist Office. One map shall be filed in the front office of Community Development and used exclusively for the public to obtain soils information for this subdivision. One copy shall be filed in the Building Department to be used by the plan reviewer for their use in identifying potential problem soils associated with building permits.
9. The applicant shall provide this soil information to the Building Department at the time of application.
10. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.
11. The entrance shall be constructed in accordance with our Minimum Standards of Entrances to State Highways. The entrance shall include 50' tapers. A turn lane may be required.
12. The existing entrance and ingress/egress easement shall be eliminated and the lot accessed from the subdivision street.
13. Road and other construction shall insure drainage water will not rise higher than 18" below the shoulder of proposed or existing public roads. At a minimum, culverts shall be designed to accommodate the following flood frequencies:

Secondary and Subdivision Streets	10-year
Primary and Parkways	25-year
14. All utilities placed within the street right-of-way shall be placed on the outer 3 to 5 feet of the edge of the right-of-way. Manholes shall not be located in the pavement or shoulder of highways. Deviation from this condition requires prior approval by VDOT and will only be considered on a case-by-case basis.
15. Trees within rights-of-way shall not be credited towards satisfying Fauquier County 's tree canopy ordinance.
16. The SWM/BMP emergency spillway shall discharge into an existing stream or an adequate channel as defined by MS-19. All system upgrades needed to meet the requirements of MS-19 shall be identified and constructed at the applicant's expense.

17. The toe of slope on the embankment or associated disturbed area of the SWM/BMP shall be at least twenty-five (25) feet from the property line.
18. Consideration shall be made for pedestrian connections to adjacent neighborhoods.
19. The proposed SWM/BMP appears to outfall into an existing storm sewer on Main Street . Adequate size and capacity shall be demonstrated prior to final construction plan approval.
20. Prior to final construction plan approval, verification of public sewer and public water service shall be provided.
21. Prior to final construction plan approval, adequate fire flow shall be demonstrated.
22. Easements shall be provided to adjacent properties to the east to allow for utility connections to include public water and public sewer.
23. An access easement to the SWM/BMP facility shall be provided.
24. A maintenance agreement for the SWM/BMP facility shall be recorded prior to final plat approval.
25. The SWM/BMP facility shall be located on a separate lot.
26. Pedestrian lighting, designed to meet all County standards and VDOT requirements, shall be provided. Such lighting shall address pedestrian needs while minimizing impacts to the night sky.
27. All public utilities shall be placed underground, unless it can be demonstrated that it is not feasible to do so.

The motion carried unanimously.

- c. **#PP03-M-22 – MLD Associates, LLC, owners / applicants – Freestate Mountain Subdivision** – applicants wish to obtain preliminary plat approval to subdivide approximately 23.8 acres into two (2) lots. The property is located on the northwest side of Free State Road (Route 721), Marshall District. (#6958-31-0955-000)

Mrs. Cook reviewed Deirdre Clark's staff report, a copy of which is attached to and made part of these official minutes.

Mrs. McCarty, seconded by Mr. Stone, moved to approve this request with the following amended conditions.

PROPOSED DEVELOPMENT CONDITIONS
Preliminary Plat #PP03-M-22

MLD Associates, LLC, Owners/Applicants
PIN 6958-31-0955-000

Amended March 13, 2003

If it is the intent of the Fauquier County Planning Commission to approve PP03-M-22, PIN 6958-31-0955-000 to divide approximately 23.89 acres zoned Rural Agricultural (RA) and Rural Conservation (RC) into two (2) single-family residential lots of \pm 5.35 and 18.44 acres, staff recommends that such approval requires conformance with the conditions of development cited below:

1. The final plat shall be in general conformance with the preliminary subdivision plat entitled "Freestate Mountain Subdivision" dated January 15, 2003, and received in the Planning Office on January 21, 2003. However, prior to the Board of Supervisors' action the following revisions shall be made to the Preliminary Plat:
2. In accord with Section 7-603.2 of the Fauquier County Zoning Ordinance, Residential Subdivisions, a landscape plan shall be required prior to approval of the Construction Plans.
3. Prior to construction, all drainfield areas shall be marked to prevent disturbance during construction.
4. Prior to Final Construction Plan approval, sight distance profiles that demonstrate that the existing, or a proposed relocated entrance, meets the VDOT sight distance requirements shall be submitted for review and approval by VDOT.
5. This driveway entrance shall be sited and constructed in accordance with VDOT regulations and design standards.
6. The driveway entrance shall be widened to eighteen to twenty feet in width, sufficient to accommodate two-way traffic and as approved by VDOT.

7. The right-of-way width of Route 721 shall be indicated as measured from either the centerline or the edge of the roadway and additional right-of-way dedicated if requested by VDOT.
8. The proposed culvert shall be no smaller than a 15" X 30' CMP pipe and shall be designed for a 10-year storm.
9. Calculations demonstrating adequate channel downstream of the culvert shall be required prior to final construction plan approval.
10. County Soil Survey Map—The County Soil Survey map showing all soil mapping units, drainageways, and spot symbols on the parcel. The Soil Survey Map is available from the Geographic Information Systems (GIS) office on the 3rd floor.
11. Symbols legend—The soil map shall have a symbols legend if spot symbols are used (drainageways, rock outcrops, springs, etc...) describing each symbol shown on soil map.
12. Source is stated—The source of the soils map shall be clearly stated on same sheet as soil map. "Preliminary soils information via Fauquier County Soil Survey (originally mapped at 1" = 1320')." "
13. Interpretive information—Summary of soil characteristics and use potential shall be stated from the most recent Interpretive Guide to the Soils of Fauquier County, Virginia, for all mapping unit symbols shown on soil map. State source (i.e. "*Interpretive Guide to the Soils of Fauquier County, Virginia, 4th Edition--2002*").
14. Soil map and lot layout are on same sheet—The soil map shall be overlain with the lot layout and all infrastructure.
15. Drainfield and well locations—If not sewerd or on public water, drainfields and well locations shall be described as proposed or approved and type of drainfield and well described.

The motion carried unanimously.

7. **Proposed Amendment to Chapter 17 of the Fauquier County Code** – Whether the County should consider adopting an ordinance to classify non-conventional sewage systems and require maintenance and monitoring of those systems.

Mr. Hatch reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Mike Lynn, CPSS, presented and reviewed a letter to the Commission addressing his comments on the proposed ordinance, a copy of which is attached to and made part of these official minutes. He commended the Commission and staff for their efforts. Mr. Lynn suggested to the Commission that they follow the state guidelines for sewage systems.

Chuck Jackson, Soil Scientist, applauded the efforts of the Commission to consider this ordinance. He stated he concurred with Mr. Lynn, with the exception of following the state guidelines.

J.T. Frazier, Manassas, applauded the Planning Commission and Mr. Lynn. He stated that the private sector would like to help the county with this system. He stated that this ordinance would help the county.

In that there were no further speakers, Mr. Robison closed the public hearing.

Mr. Robison, seconded by Mr. Stone, moved to postpone action until March 27, 2003.

The motion carried unanimously.

8. **COMPREHENSIVE PLAN AMENDMENTS**

- **Comprehensive Plan Amendment to the Warrenton Service District** – The Fauquier County Board of Supervisors has initiated a proposed plan amendment affecting a portion of the St. Leonard's Farm (± 145 acres) north of Route 211. The Warrenton Wastewater Treatment Plant borders the referenced property to the east, while Old Waterloo and Lower Waterloo Roads are located immediately to the north. The plan amendment extends the service district boundary to include the referenced property which is planned for a ± 65 acre Town Park, while the balance is designated Low Density Residential (1 dwelling unit / acre).

Mr. Robison, seconded by Mr. Stone, moved to postpone this application until the end of the meeting.

The motion carried unanimously.

9. **SPECIAL EXCEPTIONS**

- a. **#SE02-L-27 - D.C. Diamond Corporation, owner/applicant** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for grading and construction of a road in the floodplain. The property contains 85.84 acres, is zoned Rural Agriculture (RA), and is located on the southwest side of Catlett Road

(Route 28), Lee District. (PIN #6889-31-7311-000) (Postponed December 19, 2002 until February 27, 2003, at the request of the applicant.)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Jim Carson, Carson, Harris & Associates, representing D.C. Diamond Corporation, agreed with Mr. Counts and his staff report. He stated that he submitted a revised concept plan on the 13th. Mr. Carson acknowledged that Mr. Counts has been very helpful during this application. He stated that a postponement to the March 27th meeting would give him enough time to provide a plan that will be mutually satisfactory.

Mr. Sinclair asked Mr. Carson what he submitted. Mr. Carson replied that he revised the plan to reflect two adjustments requested by the county engineer.

Mr. Sinclair stated that it is obvious that the road issues were very important. He asked if Mr. Meadows concurred and Mr. Meadows replied yes.

Mr. Carson stated that one of the projects conditions was to substitute escrow for roads and include a timeline for when things will occur.

Mr. Meadows asked during what point in the next two weeks would he be able to provide figures. Mr. Carson responded within the next day or two.

In that there were no further speakers, Mr. Robison closed the public hearing.

Mr. Meadows stated that no one spoke against this application, which is to the applicant's advantage.

Mr. Meadows, seconded by Mr. Stone, moved to close the public hearing and move to the March 27, 2003 regular meeting.

The motion carried unanimously.

- b. **#SE03-CR-10 – William H. Martin, Jr. & Nelson D. Martin, owners, and AT & T Wireless Services, Inc., applicant** – applicant wishes to obtain special exception application under Category 20, which would allow for the construction of a radio tower, antenna, and related equipment.

POSTPONED

The property is located on the northeast side of Dumfries Road (Route 605), Cedar Run District. (PIN #7914-33-2804-000) (Postponed until February 27, 2003, at applicant's request.)

- c. **#SE03-M-19 – Douglas E. Darling, owner / applicant – Cannon Ridge Subdivision** – applicant wishes to obtain special exception approval under Category 27, which would allow for a decrease in the common open space requirement. The property is located on the southeast side of Routes 55 and 17, Marshall District. (PIN #6969-47-7043-000 and 6969-47-3414-000) (Postponed until February 27, 2003, at the request of the applicant.)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Jim Carson, Carson, Harris & Associates, representing Douglas E. Darling, commended staff for an excellent job. He stated that the applicant is in agreement with the amended conditions.

Mrs. McCarty asked Mr. Carson to elaborate on what steps they are taking to preserve the house. She stated that historic site needs to be preserved. Mr. Carson responded that they are constructing pedestrian height lights and underground utilities.

Mr. Sinclair concurred with Mrs. McCarty and commended the applicant for being aware and concerned.

Mr. Robison agreed with Mr. Sinclair and Mrs. McCarty.

In that there were no further speakers, Mr. Robison closed the public hearing.

Mrs. McCarty, seconded by Mr. Stone, moved to approve this request.

The motion carried unanimously.

- d. **#SE03-C-17, SE03-C-21, and SE03-C-22 – Toll Bros, Inc., owner / applicant – Warrenton Chase Subdivision** – applicant wishes to obtain special exception approval under Category 20, which would allow for a water storage system; Category 21, which would allow for the location of SWM facilities and a utility crossing in the floodplain; and Category 30, which would allow for a waiver of the public sewer requirements. The property is located on the north side of Duhollow Road (Route 672), Center District. (PIN #6984-92-6454-000, 6984-93-2775-000, 6984-83-4176-000, 6994-02-8294-000, 6994-03-2688-000, 6994-13-8021-000)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Mr. John Foote, Walsh, Colucci & Lubeley, stated that at the September 26th public hearing citizens raised a number of issues. Since that hearing he has had 2 meetings with the neighborhood. Mr. Foote stated that the original application was for 170 units, but it has since been reduced to 150 lots and a library. He stated that the by-right division of this property is more than that. Mr. Foote reiterated the two major concerns of the citizens, water and roads. He stated that he believes these two concerns have been adequately addressed.

Sonja Addison, Center District, stated that she submitted a petition on March 12, 2003 with approximately 60 signatures against this development. She avowed that residents have been opposed to this subdivision since September 2002. Ms. Addison thanked the Commission, staff and John Elcano for their help. Ms. Addison outlined several of the citizens concerns. She stated that one of their major concerns is the odor of the sewage treatment plant and she suggested it be moved closer to the Warrenton Chase Subdivision. Ms. Addison recommended that WSA maintain this plant. She stated that Frytown and Duhollow has poor soils and she proposed the hiring of someone to make sure the soils were suitable for mass drainfields.

Erselene Anderson, Center District, stated that residents would like the Commission to consider six suggestions:

- 1) The community of Frytown and Duhollow should connect to the sewage treatment plant at no cost.
- 2) BOS should allocate funds to test and clean up water.
- 3) No realignment to Duhollow Road. If this is necessary, residents should participate in the design.
- 4) Public access to the proposed greenway.
- 5) Widen Frytown Road and install a sidewalk.
- 6) Make Frytown and Duhollow a historic area.

Mr. Meadows asked Ms. Anderson, approximately how many homes would they want added to the sewage plan. Ms. Anderson answered about 50.

Ms. Millie Carter, Center District, thanked the Commission for allowing her to speak. She stated that she is against all development in this area because it is a historical community. Ms. Carter stated that Mr. Fry developed this area in the 1800's, to be given to the slaves after they were

freed. Ms. Carter voiced that this is a nice area for young people. She stated that when her house was built, the owner had to have one acre, their own water system, and their own drainfield. Ms. Carter announced that this area has not had paved roads for very long and they are not very wide. She pleaded with the Commission to please consider these points.

Meredith Whiting, Marshall District, representing Goose Creek. Ms. Whiting stated that she is not an expert on sewage treatment plants, but knows that large quantity plants are complicated. She stated that these plants usually last approximately 10 years before things start going wrong and the Homeowners Association cannot be prepared to handle the maintenance of the plant after 10 years.

Chuck Medvitz, Scott District, noted that his major concern is the water. He stated that the reports were done in periods where they did not have a drought. Mr. Medvitz suggested that developers should find areas that have water capacity and then rezone and divide.

Theodore Johnson, Center District, stated that his water was contaminated. He welcomes Toll Bros because they will give him a chance to have drinkable water. He believes something can be worked out. Mr. Johnson stated that he is in limbo because he feels sorry for his neighbors, yet, believes this will benefit the community in regards to the drinking water. Mr. Johnson suggested that the County oversee this system. He declared that development couldn't be stopped, so they need to work together.

Kitty Smith, Marshall District, stated her three major concerns:

- 1) No tot lots.
- 2) No connection to Academy Hill Road, which would keep traffic away from Duhollow and Frytown.
- 3) Sewage Treatment Plant – she stated that there is only one other of this size and it is not in a service district and owned by only one entity. Ms. Smith stated that the agreement, as is, is unacceptable. She acknowledged that this plant needs to be maintained on a regular basis, and Fauquier County, not the HOA, should be left this responsibility.

Dan Delafield, Center District, voiced his opposition to this proposed development. He thanked Ms. Addison, Ms. Anderson, and Mr. Carr for their hard work. Mr. Delafield stated that he moved to Duhollow Road from New York because of the beautiful setting, but with this development that setting will go away. He declared his support for all of the residents in Frytown.

In that there were no further speakers, Mr. Robison closed the public hearing.

Mr. Robison, seconded by Mrs. McCarty, moved to postpone action until the April 24th meeting and leave the public hearing open.

The motion carried unanimously.

- e. **#SER03-M-02 – The Salahi Family Limited Partnership, owner / applicant – Oasis Winery** – applicant wishes to obtain special exception renewal under Category 9, which would allow for the continuation of a winery. The property is located on the south side of Hume Road (Route 635, Marshall District. (PIN #5998-87-0439-000 and 5998-88-4344-000)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Philip Strother, representing The Salahi Family Limited Partnership and Oasis, asked the Commission for their approval of this application. He stated that Oasis has been a family business in Hume for about 26 years. Mr. Strother avowed that this business is a vital contributor to the economy and to several charities. He stated that due to the current conditions, Oasis has suffered financial hardships. Mr. Strother said that he and Oasis realize the neighbors concerns but the changes the applicant is requesting are minor. He declared that he had a petition with approximately 45 signatures that support this application and a letter of recommendation from the Chamber of Commerce.

Mr. Sinclair asked if the people who signed the petition were made aware of the requested changes in the conditions. Mr. Strother replied that these signatures were a result of a social that Oasis held. He stated that he and Mr. Salahi explained to the guests the changes to the conditions. Mr. Sinclair asked if the neighbors consented to these changes. Mr. Strother responded that to his understanding they did.

Mrs. McCarty asked Mr. Strother if there was a presentation. He responded no, that it was one-on-one.

Mrs. Salahi, owner, reiterated that the Oasis Winery has been in business for 26 years. This company started out selling grapes to wine makers, then eventually opened up the current winery. She stated that her son joined the company and made a lot of positive changes in the winery. Mrs. Salahi stated that the changes they are requesting are really minor but will help them function more efficiently. Mrs. Salahi welcomed everyone to Oasis.

Mr. Jim Moorman, Marshall District, lives within sight and sound of Oasis Winery. He stated that he is in favor of extending the existing special exception, but opposed to all proposed alterations. Mr. Moorman affirmed that 4 years ago the neighbors, county and applicant came to a compromise after a lot of time and consideration. He stated that the neighbors have made it a point not to complain. Mr. Moorman voiced his opinion that the current special exception is reasonable and he can not believe the Salahi's want to go back to the situation they were in four years ago.

Ms. Lindy Hart, Marshall District, has lived across from Oasis for 13 years. She stated that the past three years have been relatively quiet with the exception of occasionally hearing the band. Ms. Hart wished the winery success in every aspect but not on Hume Road. She asked the Commission to renew the current special exception without any modifications.

Ms. Judy Hinsdell, Marshall District, stated that she still hears the music but does not complain. She stated her main concern is the traffic. Ms. Hinsdell said the winery brings in a lot of traffic and people who do not know how to drive on these roads. She stated that Fiery Run Road could not handle any more traffic.

Mr. Bill Duvall, Marshall District, lives about one mile from Oasis Winery. He stated that the special exception worked well in the last few years and it should be extended without any changes. Mr. Duvall reiterated that Route 647 and Route 634 are poor, narrow, curvy and hilly. Mr. Duvall also suggested the Planning & Zoning Office control the alcoholic beverages.

Jim Conaway, Marshall District, described a major struggle between wine and entertainment in California. He declared that a winery could stand on its own without entertainment. Mr. Conaway stated that he has heard loud music and partying late at night and he did not complain; however, he now wishes he had. Mr. Conaway asked the Commission to take the winery business and change it to something else.

Jim Law, owner of Linden Vineyards, stated that he has seen a lot of winery growth in the county. He stated that we are setting a precedent of what a winery should be and to him it is an agricultural enterprise. Mr. Law stated that he has the need to expand the production of his winery but does not because of his neighbors and the impact of expansion. He stated his biggest concern is whether future wineries will see this business as an agricultural enterprise or something more.

John Piper, Marshall District, stated he is for the renewal of the special exception but against any changes. He said he has a petition with about 25 names of people who live on Hume Road that are happy with the way things are.

Staci Fromwiller, Rappahannock County, stated her property adjoins Oasis on the other side of the river. She said she has heard noises but nothing that caused her discomfort. Ms. Fromwiller asked the Commission to renew the special exception as it is now. She stated if the conditions change she has several concerns: decrease in the value of her property if she is forced to live by a major commercial property; traffic, mainly drinking and driving after dark on unfamiliar roads. Ms. Fromwiller stated that the current conditions are not causing a decrease in the economy or tourism. She concluded by stated that extending the special exception for five years is too long for people if there are any problems.

Bob Harper, owner of Naked Mountain Vineyard, stated that he has been in the winery business longer than anyone else in the county and he has never found it necessary to rely upon events to make money. He informed the Commission that Oasis operated a limousine service and asked if this was allowed.

Kitty Smith, Marshall District, stated that Marriott and Oasis are both located on one minor collector road and to her knowledge, there is not another situation where there are two class c field events located on the same minor collector road. Ms. Smith stated that people in this area have taken major steps to put their land in permanent easements that restrict almost all development rights, which mean these residents care about this land.

Mimi Moore, Marshall District, stated that she believes that the Commission and Community Development are in the process of updating Chapter 7 of the Comprehensive Plan, which deals with villages and settlements. She stated that Hume, which is about 6 ½ miles from Oasis, is one of Fauquier's most picturesque and well-preserved villages. However, Hume's residents are being bludgeoned by noise and air-pollution from out-of-area tourists. Ms. Moore stated that almost all of traffic to Oasis comes through Hume and this traffic needs to be controlled. She declared that tourism is generally good for the county, but in this instance it is destroying the quality of life of Hume's residents. Ms. Moore urged the Commission to deny any changes to the current special exception.

Ms. Lila Layton, Marshall District, stated she moved to this area about three years ago and she has no complaints with noise or traffic; obviously the current conditions are working. She stated that this winery benefits the

county but allowing the current special exception to change will benefit a few and be a loss to all. Ms. Layton stated that traffic is heavy with trucks, vans, cars and agriculture vehicles on Hume Road. She asked the Commission to please leave the permit as is.

Chuck Akre, Marshall District, lives about two miles south of Oasis and across from another vineyard. He stated that the other vineyard is now hosting bands and really is an entertainment business disguised as a winery. Mr. Akre stated that we needed to preserve our land and our wineries.

Harold Young, Rappahannock County, stated that there have been numerous accidents at the intersection of Hume Road and Route 522. He said VDOT did put up a stop sign, but the accidents are still occurring.

Ingrid Hinchley, Marshall District, stated she has 330 acres that she put into a scenic easement. Ms. Hinchley voiced her concern for the future of the 330 acres.

Daniel Clark, Rappahannock County, stated he hears the music and he does not believe there should be any change to the current condition.

Ruth Anna Stolk, Rappahannock County, adjacent to Oasis. She stated that she and her husband bought the property in 1994, loves the area and wants to protect it. She stated that she is interested in the “big picture” of the Oasis application. Ms. Stolk stated she was pleased to learn that there was a vineyard next to her property. She said she noticed that the noise level has lessened over the last 2 years. Ms. Stolk voiced her main concern is the agriculture issue; she stated it concerns her that the agriculture is not enough.

Brenda Moorman, Marshall District, stated the current permit has been successful and should stay the way it is. She declared the alterations requested by Oasis are major not minor as the applicant claims. Ms. Moorman stated that adding additional people to their lunches means an extra bus or and extra 20 / 25 cars traveling on Route 635. She stated it is not just the volume of traffic but the quality, and these drivers are at the winery for the tasting of alcoholic beverages. Ms. Moorman said her special concern was the request for the elimination of the breakdown period because it is so hard to monitor the actual closing time. In closing, she stated that if this request is approved then it could be a lot harder for the county to say no to future wineries who want to hold events.

Mr. Stone asked Ms. Moorman, if she would be opposed to the fundraisers and charitable events if they were not in addition to the regular events that

were allowed now, conducted within the existing limits? Ms. Moorman responded that this was just an escalation of the existing permit.

In that there were no further speakers, Mr. Robison closed the public hearing.

Mrs. McCarty thanked everyone for voicing their concerns via e-mails, letters and during the public hearing.

Mrs. McCarty, seconded by Mr. Robison, moved to close the public hearing and postpone action until March 27, 2003.

The motion carried unanimously.

10. **REZONING**

- **#RZ03-M-09 – St. Leonard’s Farm, Inc., owner / applicant** – applicant wishes to rezone approximately eighty (80) acres of a 1,038 acre tract from Rural Agriculture (RA) to Residential – 1 (R-1). The property is located on Route 211 at the western limits of the Town of Warrenton, Marshall District. (PIN #6974-62-2223-000 and 6974-45-6306-000)
- **Comprehensive Plan Amendment to the Warrenton Service District** – The Fauquier County Board of Supervisors has initiated a proposed plan amendment affecting a portion of the St. Leonard’s Farm (± 145 acres) north of Route 211. The Warrenton Wastewater Treatment Plant borders the referenced property to the east, while Old Waterloo and Lower Waterloo Roads are located immediately to the north. The plan amendment extends the service district boundary to include the referenced property which is planned for a ± 65 acre Town Park, while the balance is designated Low Density Residential (1 dwelling unit / acre).

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Mr. John Foote, representative of St. Leonard’s Farm, informed the public and the Commission that he was present to answer any questions.

Mr. Mothershead informed the public and the Commission that he was present to answer any questions.

Mr. Rob Strickland, Lower Waterloo resident, stated that he is not opposed to this development; however, he has several questions in regards to the entrance to the recreational center and the housing community. He

asked if the proposed 211 entrance was denied by VDOT? Mr. Carr answered that there is one entrance onto 211 that is allowed once the development gets to the 3rd phase. Mr. Strickland stated he had several questions and he was advised to meet with Mr. Counts regarding these issues.

Margaret Hyther, Marshall District, stated development needs to be stopped. She pleaded with the Commission to not allow any more development.

Mr. Carr explained to Ms. Hyther that the rezoning would not result in net increase. He stated that the balance of the property would be placed in the Virginia Outdoors Foundation Easement.

Ms. Hyther voiced again that Warrenton needed to be preserved.

In that there were no further speakers, Mr. Robison closed the public hearing.

Mrs. McCarty stated she was sympathetic with Ms. Hyther but she feels this is good for the Marshall District and Fauquier County.

Ms. McCarty, seconded by Mr. Stone, moved to approve this request.

Mr. Stone stated that this is one of the better arrangements the county has seen. He said that if this request were not approved then in the future a development would come in and most likely not be as nice as this one. Mr. Stone stated that he admired what Ms. Hyther was saying.

Mr. Meadows stated that he was envious of the Town of Warrenton and Marshall District for having this 800-acre green-space. He stated if something like this could happen around all service districts then green-space could be preserved.

The motion carried unanimously.

Mr. Robison clarified that this motion was for Rezoning #RZ03-M-09 and the Comprehensive Plan Amendment.

Mr. Robison reminded the Commission of the site visit to Loudoun County on Tuesday, March 18, 2003 and the work session on the Reformatted Zoning Ordinance from 2:00 p.m. – 5:00 p.m.

There being no further business the meeting was adjourned at 9:36 P.M.

*A tape recording of the meeting is on file in the Department of Community Development,
40 Culpeper Street, Warrenton, Virginia, for a period of one year.*